

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JENNY N.,¹

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 3:23-cv-3790-DWD

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is the parties' Joint Motion to Award Attorney Fees and Expenses. (Doc. 24). The parties agree the Court should enter an order awarding Plaintiff \$8,000.00 for attorney fees and expenses under the Equal Access to Justice Act ("EAJA"), which "shall fully and completely satisfy any and all claims for fees and/or expenses that may have been payable to plaintiff in this matter pursuant to the EAJA." *See* 28 U.S.C. § 2412.²

Further, the parties request that the Court find any fees paid belong to Plaintiff – not to Plaintiff's attorney – and can be offset to satisfy any preexisting debt that Plaintiff owes to the United States of America. *See Astrue v. Ratliff*, 560 U.S. 586, 593 (2010) (holding subsection (d)(1)(A) of § 2412 awards attorney fees and expenses to the litigant, subjecting the attorney fees and expenses to a federal administrative offset for federal debts owed). It is also notable that Plaintiff provided Defendant an EAJA assignment of fees. (Doc. 24).

¹Plaintiff's full name will not be used due to privacy concerns.

²The \$8,000.00 request includes attorney fees and expenses but not costs. (Doc. 24).

If Plaintiff does not owe a preexisting debt subject to a federal administrative offset, then Defendant will direct the payment of the \$8,000.00 award to Plaintiff's attorney. (Doc. 24).

Here, the Court **FINDS** the requested attorney fees and expenses are proper under § 2412(d)(1)(A) and (B). The Court **FURTHER FINDS** an award of \$8,000.00 is reasonable. Accordingly, the parties' Joint Motion is **GRANTED**. Plaintiff is awarded \$8,000.00 for attorney fees and expenses in full satisfaction of any and all claims that may be payable to Plaintiff in this matter under the EAJA, § 2412. Any fees paid belong to Plaintiff, not to Plaintiff's attorney, and can be offset to satisfy any preexisting debt that Plaintiff owes to the United States of America. *See Astrue*, 560 U.S. at 593. If Defendant can verify that Plaintiff does not owe such a preexisting debt subject to an offset, Defendant shall direct that the award be made payable to Rory Linerud under the EAJA assignment. If the payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record: 1144 Wallace Road NW, #212, P.O. Box 5734, Salem, OR 97304.

SO ORDERED.

Dated: June 5, 2024

s/ David W. Dugan

DAVID W. DUGAN
United States District Judge